

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Ronald Phillips,

Case No.: 12cv2110 (PAM/SER)

Plaintiff,

v.

REPORT & RECOMMENDATION

City of Minneapolis,
County of Hennepin, and
State of Minnesota,

Defendants.

Plaintiff Ronald Phillips, filed a Complaint seeking relief pursuant to the “American Disability Act.” [Doc. No. 1].

On February 1, 2013 the Court issued an Order instructing the Plaintiff to (1) Notify defendants who have not answered immediately that he/she is required to make an appearance or move for an extension of time to do so; (2) File an application for entry of default for those defendants who have not answered unless the required pleading is filed within 10 days; or (3) Advise the Court in writing of any good cause to the contrary [Doc. No. 5]. Plaintiff was also directed to provide proof of service for all defendants. Plaintiff failed to respond to the Court’s Order within the 30 day deadline.

Based on the foregoing, and all the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED** that this action be **DISMISSED WITHOUT PREJUDICE**.

Dated: March 21, 2013

s/Steven E. Rau
Steven E. Rau
U.S. Magistrate Judge

Under D. Minn. LR 72.2(b), any party may object to this Report and Recommendation by filing with the Clerk of Court, and serving all parties by **April 5, 2013**, a writing which specifically identifies those portions of this Report to which objections are made and the basis of those objections. Failure to comply with this procedure may operate as a forfeiture of the objecting party's right to seek review in the Court of Appeals. A party may respond to the objecting party's brief within ten days after service thereof. A judge shall make a de novo determination of those portions to which objection is made. This Report and Recommendation does not constitute an order or judgment of the District Court, and it is therefore not appealable to the Court of Appeals.